

ZB# 79-8

Exxon Corporation

9-1-90,93,94

79-8- Exxon Corporation -

79-8

Preliminary Meeting

~~April 23, 1979~~

May 14, 1979 8 p.m.

(State Highway)

fee paid - 8 sent to

CCPD - notified 4/25/79.

file - Clark's
office

GENERAL RECEIPT

' 3993

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

RECEIVED OF

Edison Co.

Apr. 25 19 *79*

\$ *50.00*

Fifty and 00/100

DOLLARS

FOR

Variance Fee #79-8

DISTRIBUTION:

| FUND | CODE | AMOUNT |
|--------------|------|--------|
| <i>50.00</i> | | |
| <i>Check</i> | | |

BY

Charlotte Mancantonio

Deputy

TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

SUMMARY OF APPLICANT'S POSITION REGARDING VARIANCE REQUEST
TO TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

- A. With respect to a variance from Section 48-14a(4) requiring no accessory building project nearer to street than principal building

The proposed accessory building is a 5' by 12 1/2' kiosk to be constructed some 70 feet from the center line of River Road and approximately 40 feet from the entrance drive serving the property. While the structure is small in size, its placement is important in that it will facilitate a more orderly traffic pattern within the site. Applicant believes that in view of the small size of the structure in relation to the overall tract, the requested variance is not substantial in nature.

Since the structure is for a commercial purpose, the variance if granted should impose no additional burden on municipal services.

The proposed structure being both small in size and distant from the road should produce no change in the neighborhood, and the improved traffic flow should be beneficial and not detrimental to any adjoining properties.

In view of the purpose of the kiosk, i.e., the final pick up of the delivery invoices, there is no practical alternative to its placement other than the approximate area proposed.

In view of the above considerations, applicant believes the variance should be granted.

- B. With respect to the variance granted under Section 48-12 relating to maximum building height in relation to nearest property line

Applicant seeks a variance to permit a tank to be constructed 12 feet higher than the formula result under the Zoning Law. The proposed tank site is located some 60 feet from the nearest line and is at a lower elevation than the adjoining property line.

The variance if granted would produce no additional burdens on municipal services.

As the site in question is presently used as a tank storage facility, the variance if granted would produce no substantial change in the neighborhood and due to its location at a lower elevation should produce no detrimental effect on adjoining properties.

In view of the present diking system and a desire to maintain as much of the property in its wooded condition, there is no practical alternative towards placement of the proposed tank.

In view of the above considerations, applicant believes the variance requested should be granted.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

79-8
(Number)April 24, 1979
(Date)

I. Applicant information:

Exxon Company, U.S.A., a Division of Exxon Corporation
Hutchinson River Parkway

(a) Pelham, New York 10803 Tel.: 914-749-1341

(Name, address and phone of Applicant)

(b) NA

(Name, address and phone of purchaser or lessee)

Rider, Drake, Weiner & Loeb, P.C. TEL.: 562-8700

(c) Box 991, Newburgh, New York 12550

(Name, address and phone of attorney)

(d) NA

(Name, address and phone of broker)

II. Application type:

☐

Use variance

☒

Area variance

☐

Sign variance

☒

Special permit

III. Property information:

| | | | | | |
|---------------|------------------------------|----|---|----|-----------------|
| | River Road | 9 | 1 | 90 | |
| | | 9 | 1 | 93 | Approximately |
| (a) <u>PT</u> | <u>New Windsor, New York</u> | 9 | 1 | 94 | <u>19 acres</u> |
| (Zone) | (Address) | (H | B | L) | (Lot size) |

(b) What other zones lie within 500 ft.? None(c) Is a pending sale or lease subject to ZBA approval of this application? NA(d) When was property purchased by present owner? 1952(e) Has property been subdivided previously? No When? (f) Has property been subject of variance or special permit previously? No When?

(g) Has an order-to-remedy violation been issued against the property by

79-8
(Number)

April 24, 1979
(Date)

I. Applicant information:

Exxon Company, U.S.A., a Division of Exxon Corporation
Hutchinson River Parkway

(a) Pelham, New York 10803 Tel.: 914-749-1341

(Name, address and phone of Applicant)

(b) NA

(Name, address and phone of purchaser or lessee)

Rider, Drake, Weiner & Loeb, P.C. TEL.: 562-8700

(c) Box 991, Newburgh, New York 12550

(Name, address and phone of attorney)

(d) NA

(Name, address and phone of broker)

II. Application type:

☐

Use variance

☒

Area variance

☐

Sign variance

☒

Special permit

III. Property information:

| | | | | | |
|---------------|------------------------------|----------|----------|-----------|----------------------|
| | <u>River Road</u> | <u>9</u> | <u>1</u> | <u>90</u> | |
| | | <u>9</u> | <u>1</u> | <u>93</u> | <u>Approximately</u> |
| (a) <u>PT</u> | <u>New Windsor, New York</u> | <u>9</u> | <u>1</u> | <u>94</u> | <u>19 acres</u> |
| (Zone) | (Address) | (M | B | L) | (Lot size) |

(b) What other zones lie within 500 ft.? None

(c) Is a pending sale or lease subject to ZBA approval of this application? NA

(d) When was property purchased by present owner? 1952

(e) Has property been subdivided previously? No When?

(f) Has property been subject of variance or special permit previously? No When?

(g) Has an order-to-revoke violation been issued against the property by the Zoning Inspector? No If so, when

(h) Is there any outside storage at the property now or is any proposed? Describe in detail. A substantial portion of the property is presently used for the bulk storage of oil products.

☒ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-14, A, (4).

Requirements

The requirement of the above Section is that no accessory building project nearer to the street on which the principal building fronts than such principal building. The applicant proposes to locate a kiosk being an accessory building to the office building, which kiosk is proposed to be located closer to River Road than the office building.

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

The kiosk is the last stop a truck departing from the terminal must make. The truck driver will pick up an automatically printed invoice and related documents at the kiosk which will be the last stop before the truck departs from the terminal. That being the case, the kiosk must be located as close to River Road and the departure gate as possible and must therefore be located closer to River Road than the office building. The location of the office building must meet the front yard set-back and has also been located to harmonize with the traffic pattern which will permit trucks to pull into the terminal, drive through the loading station and exit through the new proposed departure area adjoining the kiosk. The proposed layout has been designed with an emphasis on safety.

☐ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☒ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table PI-PP, Column 10

| <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|-------------------------------|------------------------------|-------------------------|
| Min. Lot Area _____ | _____ | _____ |
| Min. Lot Width _____ | _____ | _____ |
| Reqd. Front Yard _____ | _____ | _____ |
| Reqd. Side Yards <u>1</u> | <u>1</u> | <u>1</u> |
| Reqd. Rear Yard _____ | _____ | _____ |
| Reqd. Street Frontage* _____ | _____ | _____ |
| Max. Bldg. Hgt. _____ | <u>42 feet</u> | <u>12 feet ***</u> |
| Min. Floor Area* _____ | _____ | _____ |
| Development Coverage* _____ % | _____ % | _____ % |
| Floor Area Ratio** _____ | _____ | _____ |

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table PI-PP, Column 10

| <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|-------------------------|------------------------------|-------------------------|
| Min. Lot Area | | |
| Min. Lot Width | | |
| Reqd. Front Yard | | |
| Reqd. Side Yards | <u>1</u> | <u>1</u> |
| Reqd. Rear Yard | | |
| Reqd. Street Frontage* | | |
| Max. Bldg. Hgt. | <u>42 feet</u> | <u>12 feet ***</u> |
| Min. Floor Area* | | |
| Development Coverage* % | % | % |
| Floor Area Ratio** | | |

* Residential districts only

** Non-residential districts only

*** Applicant proposes to erect a new storage tank 40 feet in height located 60 feet from the nearest lot line. Ordinance permits 6 inches in height for every foot of set-back from the lot line. Applicant would be limited to a 30 foot tank; applicant seeks a variance to permit a 40 foot tank.

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.
- The practical difficulties which prevent the applicant from shifting the location of the proposed tank 80 feet away from the side line instead of 60 feet are several. First, there are 4 existing tanks which limit the area available to the applicant. Second, the topography of the parcel dictates the proposed location. Third, the applicant intends to increase the height of the existing dike for safety purposes, thus decreasing the available site area. Fourth, the applicant is attempting to preserve to the extent possible the existing wooded area to the east of the site.

☐ VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

| | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|---------|---------------------|------------------------------|-------------------------|
| Sign 1. | _____ | _____ | _____ |
| Sign 2 | _____ | _____ | _____ |
| Sign 3 | _____ | _____ | _____ |
| Sign 4 | _____ | _____ | _____ |
| Sign 5 | _____ | _____ | _____ |
| Total | _____ sq.ft. | _____ sq.ft. | _____ sq.ft. |

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

The practical difficulties which prevent the applicant from shifting the location of the proposed tank 80 feet away from the side line instead of 60 feet are several. First, there are 4 existing tanks which limit the area available to the applicant. Second, the topography of the parcel dictates the proposed location. Third, the applicant intends to increase the height of the existing dike for safety purposes, thus decreasing the available site area. Fourth, the applicant is attempting to preserve to the extent possible the existing wooded area to the east of the site.



VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

| | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|---------|---------------------|------------------------------|-------------------------|
| Sign 1. | _____ | _____ | _____ |
| Sign 2 | _____ | _____ | _____ |
| Sign 3 | _____ | _____ | _____ |
| Sign 4 | _____ | _____ | _____ |
| Sign 5 | _____ | _____ | _____ |
| <hr/> | | | |
| Total | _____ sq.ft. | _____ sq.ft. | _____ sq.ft. |

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

_____.

☒ VII. Special Permit:

(a) Special permit requested under New Windsor Zoning Local Law, Section 48-9, Table Use, Column PI-B.

(b) Describe in detail the use and structures proposed for the special permit.

See annexed Page 4 A.

☐ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

☒ IX. Attachments required:

☐ Copy of letter of referral from Building and Zoning Inspector.

☐ Copy of contract of sale, lease or franchise agreement.

☐ Copy of tax map showing adjacent properties

☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.

☐ Copy(ies) of sign(s) with dimensions.

☒ Check in amount of \$ 50.00 payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping.

- (b) Describe in detail the use and structures proposed for the special permit.

See annexed Page 4 A.



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)



IX. Attachments required:

- ___ Copy of letter of referral from Building and Zoning Inspector.
- ___ Copy of contract of sale, lease or franchise agreement.
- ___ Copy of tax map showing adjacent properties
- X Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ___ Copy(ies) of sign(s) with dimensions.
- X Check in amount of \$ 50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ___ Other

VII. Special Permit: (continued)

- (b) The applicant proposes to modernize, upgrade and improve its existing facilities devoted to the bulk storage of oil products and related office facilities located on the east and west sides of River Road. The applicant proposes the following projects for the tank farm area on the west side of River Road:

- Installation of a new 20,000 gallon tank for gasoline;
- Conversion of existing tank number 26 from gasoline storage to home heating oil storage;
- Installation of floating pans in tanks numbered 22, 25 and proposed new tank;
- Increase existing dike capacity for tank farm;
- Upgrading tank farm drainage facilities and piping to new retention pond east of River Road;
- Installation of high level alarms on all tanks; and
- Upgrading internal roadways and walkways for safety purposes.

The applicant proposes the following projects for the terminal area on the east side of River Road:

- Demolition of existing loading rack and combined office-garage-warehouse;
- Construction of new 35 foot by 60 foot office building;
- Construction of new 4 position loading rack with canopy above;
- Installation of new fog fire protection system at loading rack;
- Installation of new product pumping facilities;
- Installation of truck fueling and pump-back facility;
- Improvement of entrance grades from River Road;
- Installation of new fencing;
- Repavement of yard area;
- providing new drainage facilities including oil separations; and
- Construction of retention pond.

All of the above projects are as outlined in detail on site plans labeled "Newburgh Terminal, New Windsor, New York", Drawing 1 and Drawing 2, submitted with the application.

(Official Use Only)

X. AFFIDAVIT.

Date April 24th, 1979

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

EXXON COMPANY, U.S.A., a Division
of Exxon Corporation

BY: *James R. Loeb*

(Applicant)

JAMES R. LOEB

Sworn to before me this

24th day of May, 1979.

Nancy S. Metakes

NANCY S. METAKES
NOTARY PUBLIC REG. NO. 2674970
QUALIFIED IN ORANGE COUNTY N.Y.
COMMISSION EXPIRES MARCH 30, 1981

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

EXXON COMPANY, U.S.A., a Division
of Exxon Corporation

BY:

(Applicant)

JAMES R. LOEB

Sworn to before me this

24th day of May, 1979.

Nancy S. Metakes

NANCY S. METAKES
NOTARY PUBLIC REG. NO. 2674970
QUALIFIED IN ORANGE COUNTY N.Y.
COMMISSION EXPIRES MARCH 30, 1981

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X
In the Matter of the Application of
EXXON COMPANY, U. S. A.
Application #79-8
-----X

DECISION GRANTING
AREA AND SPECIAL
PERMIT

WHEREAS, EXXON COMPANY, U.S.A., a Division of Exxon Corporation, Hutchinson River Parkway, Pelham, New York 10803, filed an application #79-8 for an area variance and special permit for property located on River Road in the Town of New Windsor, N. Y. in a PI (Planned Industrial) zone; and

WHEREAS, a public hearing on this application for a variance and special permit was held by the Zoning Board of Appeals on the 14th day of May, 1979 at the Town Hall of the Town of New Windsor after due notice by publication and due notice to residents and businesses within 500 feet of the subject premises; and

WHEREAS, at said public hearing, the applicant was represented by Rider, Drake, Weiner & Loeb P. C., Stephen Reineke, Esq., of counsel; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals makes the following findings of fact in this application:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.
2. The evidence shows that the variance sought will not alter the general character of the neighborhood.

3. The evidence shows that denial of the variance will result in significant economic injury to the applicant.

4. The evidence shows that the variance if granted will result in no appreciable additional population or strain on existing governmental facilities.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. That notices of the public hearing were duly sent to residents and businesses as prescribed by law and published in The Evening News also required by law.

2. The applicants will encounter practical difficulty if the area variance and special permit are not granted.

3. The proposed variance and special permit will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a 12 ft. building height variance and special permit for the bulk storage of gasoline to EXXON COMPANY, U.S.A.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 25, 1979.


Chairman

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X
In the Matter of the Application of
EXXON COMPANY, U. S. A.
Application #79-8.

AMENDED DECISION
GRANTING AREA VARIANCES
AND SPECIAL PERMIT

-----X
WHEREAS, EXXON COMPANY, U. S. A., a Division of Exxon Corporation, Hutchinson River Parkway, Pelham, New York 10803, filed an application #79-8 for area variances and special permit to erect a gasoline storage tank and a kiosk on property located on River Road in the Town of New Windsor, New York in a PI (Planned Industrial) zone; and
WHEREAS, a public hearing on this application for variances and special permit was held by the Zoning Board of Appeals on the 14th day of May, 1979 at the Town Hall of the Town of New Windsor after due notice by publication and due notice to residents and businesses within 500 ft. of the subject premises; and

WHEREAS, at said public hearing, the applicant was represented by Rider, Drake, Weiner & Loeb P. C., Stephen Reineke, Esq., of counsel; and

WHEREAS, the application was unopposed; and

WHEREAS, a decision was rendered on the 25th day of June, 1979; and

WHEREAS, that decision did not adequately reflect the findings of the Board; and

WHEREAS, the Zoning Board of Appeals makes the following findings of fact in this application:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.

2. The evidence shows that the variance sought will not alter the general character of the neighborhood.

3. The evidence shows that denial of the variances will result in significant economic injury to the applicant.

4. The evidence shows that the variances if granted will result in no appreciable additional population or strain on existing governmental facilities.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. That notices of the public hearing were duly sent to residents and businesses as prescribed by law and published in The Evening News also required by law.

2. The applicants will encounter practical difficulty if the area variances and special permit are not granted.

3. The proposed variances and special permit will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor amend its prior decision in this matter dated June 25, 1979 and grant a 12 ft. building height variance for the construction of a tank for the bulk storage of gasoline; an area variance permitting an accessory building, i.e. a kiosk, to be located nearer to the road than the main office building, and a special permit for the bulk storage of gasoline to Exxon Company U. S. A. as specified on the site plans submitted to the ZBA with the application.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: August 13, 1979.

1
S/ Vincent Buona
~~Vice~~ Chairman

(914) 565-8550

May 21, 1979

Rider, Drake, Weiner & Loeb P. C.
P. O. Blx 991
Newburgh, N. Y. 12550

Attn: Stephen Reineke, Esq.

RE: EXXON COMPANY, U.S.A.
Application #79-8

Dear Steve:

This is to confirm that the area variances and special permit applied for by EXXON COMPANY USA, have been granted at the May 14, 1979 meeting of the Zoning Board of Appeals.

We expect that the formal decision will be drafted within the next few weeks and will be acted upon at an upcoming meeting of the ZBA.

It is always a pleasure to do business with you and Jim Loeb.

Very truly yours,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Howard Collett, Bldg./Zoning Inspector
Town of New Windsor
Planning Board - Town of New Windsor

5/14/79 Exxon Company USA. Bpm.

Name

Address

Stanley J. Muel

Rm Rd New Windsor NY

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARING SCHEDULED BEFORE THE ZBA
May 14, 1979
DATE: May 9, 1979

Kindly be advised that there is one public hearing scheduled before the ZBA on the evening of May 14, 1979 as follows:

8:00 p.m. - EXXON COMPANY U.S.A. - request for
height variance and special permit.

Please be advised that this application is attached hereto together with public hearing notice which was published in The Evening News.

Pat

/pd

Enclosure

cc: Howard Collett - Bldg/Zoning Inspector
Town of New Windsor

Legal Notice
PUBLIC NOTICE OF
HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New
York will hold a Public Hearing pur-
suant to Section 48-33A of the Zoning
Ordinance on the following
proposition:
Appeal No. 8
Request of Exxon Company,
U.S.A., a Division of Exxon Corpora-
tion for a SPECIAL USE PERMIT of
the regulations of the Zoning Or-
dinance, to permit the upgrading,
modernizing and improving of ex-
isting terminal facilities located on
River Road in the Town of New
Windsor, being a VARIANCE Sec-
tion 48-14, A, (4) and Section 48-12 for
property situated as follows: to con-
struct a new gasoline storage tank
and kiosk at existing terminal
facilities located on River Road in
the Town of New Windsor.
SAID HEARING will take place on
the 14th day of May, 1979, at the New
Windsor Town Hall, 555 Union
Avenue, New Windsor, N.Y. beginn-
ing at 8:00 o'clock P.M.
MARY STORTECKY
Chairman
By: Patricia Dello
Secretary
May 5

SCHEDULE "A"

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a Public Hearing
pursuant to Section 48-33A of the Zoning Ordinance on the
following proposition:

Appeal No. 8

Request of Exxon Company, U.S.A., a Division of
Exxon Corporation

for a ~~VARIANCE~~ SPECIAL USE PERMIT of

the regulations of the Zoning Ordinance, to permit

the upgrading, modernizing and improving of
existing terminal facilities located on River
Road in the Town of New Windsor.

being a VARIANCE ~~SPECIAL USE PERMIT~~ of

Section 48-14, A, (4) and Section 48-12

for property situated as follows:

to construct a new gasoline storage tank and
kiosk at existing terminal facilities located
on River Road in the Town of New Windsor.

SAID HEARING will take place on the 14th day of May, 1979,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8:00 o'clock P. M.

MARK STORTECKY
Chairman

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

CAROL MURLEY, being duly sworn, says: I am over the age of 18 years and reside at Newburgh, New York.

On May 1st, 1979, I served a true copy of the annexed Public Notice of Hearing Before the Zoning Board of Appeals of the Town of New Windsor (Schedule "A") by mailing the same in a sealed envelope, with postage pre-paid thereon, by Certified Mail, Return Receipt Requested, in a post-office or official depository of the U. S. Postal Service within the State of New York, addressed to the last known address of the addressees as indicated on the annexed list of property owners obtained from the tax rolls of the Assessor of the Town of New Windsor (Schedule "B").

Carol Murley

CAROL MURLEY

Sworn to before me this
1st day of May, 1979.

Nancy S. Metakes

NANCY S. METAKES
NOTARY PUBLIC REG. NO. 2674970
QUALIFIED IN ORANGE COUNTY N.Y.
COMMISSION EXPIRES MARCH 30, 1981

SCHEDULE "B"

- | | | |
|--|--|--|
| (1) Rudy A. & Maria Dinitto 107 South Robinson Ave. Newburgh, NY 12550 9-1-88; 9-1-89; 17-4-58; 17-4-16 | (2) Dicarlo Enterprises Inc. 284 Rt. 9W New Windsor, NY 12550 9-1-81; 9-1-80 | (3) Leroy W. & Evelyn Johnson MD 14, River Road New Windsor, NY 12550 9-1-86 |
| (4) Donald R. & Grace E. Bulson MD 14, River Road New Windsor, NY 12550 9-1-85 | (5) Anthony S. & Elvira Cimorelli MD 14, River Road New Windsor, NY 12550 9-1-84.2 | (6) Michael J. Cimorelli & Anthony Cimorelli, Jr. % Cimorelli Bros. MD 14, River Road New Windsor, NY 12550 9-1-84.1 |
| (7) Lightron of Cornwall Inc. P.O. Box 517 Cornwall-on-Hudson, NY 12526 9-1-96 | (8) Sun Oil Company Tax Dept. 1608 Walnut Street Philadelphia, PA 19103 9-1-87 | (9) Samuel D. Affron 19 Teller Ave. Beacon, NY 12508 9-1-83 |
| (10) Walter Kroll, Inc. %National Bank of Commerce P.O. Box 2249 Dallas, Texas 75221 9-1-74 | (11) Consolidated Rail Corp. Tax Dept., Room 1310 6 Penn Center Plaza Philadelphia, PA 19104 9/1/99 | (12) Stanley J. Masloski MD 14, River Road New Windsor, NY 12550 9-1-92; 20-2-40 |
| (13) Barbara Nelson 250 Route 9W New Windsor, NY 12550 9-1-91 | (14) Affron Tank Terminals Inc MD 14, River Road New Windsor, NY 12550 20-2-41; 20-2-42.2 | (15) Harry J. Fortunis 224 So. William St. Newburgh, NY 12550 20-2-36 |
| (16) Joseph A. & Marion C. Duquette Box 2302 Newburgh, NY 12550 20-2-42.1 | (17) Veronica Lucas 145 Quassaic Ave. New Windsor, NY 12550 17-4-12.1 | (18) Town of New Windsor 555 Union Avenue New Windsor, NY 12550 17-4-55 |
| (19) Stereoco, Inc. 265-269 Rt. 9W New Windsor, NY 12550 17-4-13 | (20) Carlo Gruini and Mary Carmen 261 Rt. 9W New Windsor, NY 12550 17-4-14 | (21) John Thomas Maldari 202 Spook Rock Rd. Suffern, NY 10901 17-4-15 |
| (22) | (23) | (24) |

(4)
Donald R. & Grace E.
Bulson
MD 14, River Road
New Windsor, NY 12550
9-1-85

(5)
Anthony S. & Elvira
Cimorelli
MD 14, River Road
New Windsor, NY 12550
9-1-84.2

(6)
Michael J. Cimorelli &
Anthony Cimorelli, Jr.
% Cimorelli Bros.
MD 14, River Road
New Windsor, NY 12550
9-1-84.1

(7)
Lightron of Cornwall Inc.
P.O. Box 517
Cornwall-on-Hudson,
NY 12526
9-1-96

(8)
Sun Oil Company
Tax Dept.
1608 Walnut Street
Philadelphia, PA 19103
9-1-87

(9)
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19 Teller Ave.
Beacon, NY 12508
9-1-83

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Dallas, Texas 75221
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Tax Dept., Room 1310
6 Penn Center Plaza
Philadelphia, PA 19104
9/1/99

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New Windsor, NY 12550
9-1-92; 20-2-40

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Barbara Nelson
250 Route 9W
New Windsor, NY 12550
9-1-91

(14)
Affron Tank Terminals Inc
MD 14, River Road
New Windsor, NY 12550
20-2-41; 20-2-42.2

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Harry J. Fortunis
224 So. William St.
Newburgh, NY 12550
20-2-36

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Box 2302
Newburgh, NY 12550
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(20)
Carlo Gruini and
Mary Carmen
261 Rt. 9W
New Windsor, NY 12550
17-4-14

(21)
John Thomas Maldari
202 Spook Rock Rd.
Suffern, NY 10901
17-4-15

(22)
Gino D. & Ersilia D.
Sidoli
249 Rt. 9W
New Windsor, NY 12550
17-4-17

(23)
Hugo Dubaldi
245 Rt. 9W
New Windsor, NY 12550
17-4-18

(24)
Lester K. & Carmella
Johnson
2 Broad Street
New Windsor, NY 12550
17-4-19

(25)
Unknown Owner
Revolutionary War Cemetery
NO NOTICE NEEDED
20-2-38

(26)
Exxon Corporation (Applicant)
9-1-95



COUNTY OF ORANGE

MAY 04 1979

Department of Planning

124 MAIN STREET (1887 Building)

GOSHEN, NEW YORK 10924

TEL. (914) 294-5151

Peter Garrison, A.I.P., Commissioner

Edwin J. Garling, A.I.P., Deputy Commissioner

May 2, 1979

Mr. Mark Stortecky, Chairman
New Windsor Zoning Board of Appeals
Town Hall
New Windsor, New York

Re: Special Permit and Variance - Exxon Co.
River Road

Dear Mr. Stortecky:

This office, pursuant to the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York, has reviewed the above application.

We hereby return the matter for final local determination by the Zoning Board.

Very truly yours,

Peter Garrison
Commissioner of Planning

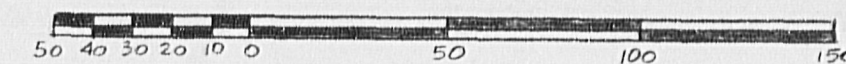
PG/jlm

TABLE OF USE REGULATIONS¹

| District | A Uses Permitted by Right | B Uses by Special Permit of Board of Appeals | C Permitted Accessory Uses | D Permitted Accessory Signs | E Minimum Off-Street Parking | F Minimum Off-Street Loading Berths | G Additional Use Regulations Applying in All Districts ² |
|--|--|--|--|---|---|--|--|
| OLI Office and Light Industrial | <ol style="list-style-type: none"> Same as FP, Nos. 1, 2, 3, 5. Professional business, executive and administrative offices and buildings. Businesses which combine office space with a warehouse or a center for the distribution of products wherein such warehouse or distribution center is incidental to the main purpose of the business. Businesses which combine office space with a research laboratory or its equivalent for the purpose of testing a product or products, provided that no manufacturing or assembly shall take place therein. Planned office building development groups, subject to § 48-21J. Laboratories and related offices engaged in product testing and research. Assembly or packaging of products from previously prepared materials, including cloth, plastic, paper, leather and precious or semiprecious stones. Manufacturing, assembling and/or packaging of electronic and electric components, instruments, precision tools and timepieces. Printing plant or publishing house. | <ol style="list-style-type: none"> Same as FP, No. 4. Same as NC, Nos. 7, 8. | <ol style="list-style-type: none"> Same as C. Storage of goods, equipment, raw materials or products accessory to any permitted use. | <ol style="list-style-type: none"> For uses in Col. B, No. 3: same as NC. For all other uses in Cols. A and B: 1 sign hung from an ornamental post set in the ground behind the property line or sidewalk line so as to be free of pedestrian traffic. No such sign shall exceed 20 square feet in area nor be more than 12 feet above ground level, measured from the top of the sign. Such sign shall not be illuminated by exposed tubes, bulbs or similar exposed light sources. There shall be no exterior spot lighting or other illumination of any such sign that will cause any glare observable within a residence district. Necessary direction signs shall be permitted, none of which shall exceed 5 square feet in area, nor shall the highest point of any such sign be more than 8 feet above ground level. | <ol style="list-style-type: none"> Same as C. Laboratory or research offices and manufacturing uses: 1 space for every 2 employees in the maximum work shift, or 1 space for every 400 square feet of floor area, whichever is greater. | <ol style="list-style-type: none"> For uses in Col. A, No. 1, and Col. B, Nos. 1, 2, 3: same as NC. All other uses: 2 berths for 15,000 to 40,000 square feet of floor space. For each additional 40,000 square feet of floor space or major fraction thereof, 1 additional berth. | <ol style="list-style-type: none"> The following processes: nitrating of cotton or other materials; milling or processing of flour, feed or grain; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; reduction and processing of wood pulp and fiber, including paper mill operations. Operations of stockyards and slaughterhouses processing in excess of 500 carcasses annually, and of grain elevators and slag piles. Storage of explosives, except under license from the State of New York, and in a manner and place conforming to the laws of the State of New York and the American Table of Distances, provided that no more than 50,000 pounds be stored in any one magazine. Dumps and junkyards except those established as an Official Town Dump. Incineration of waste materials except in a plant owned and operated by the town as a principal use. Disposal of septic or sewage wastes. Billboards. Advertising signs pertaining to uses or operations not on the same lot or site. Amusement parks, circuses, outdoor concerts or entertainment events, carnivals and related activities, except for a temporary period on special license from the Town Board. Any other use, whether specified above or not, that is of such a nature as to be detrimental to neighboring properties by reason of emission of odor, dust, refuse matter, garbage, smoke, vibration, gas, noise or any other factor that is dangerous to the comfort, peace, enjoyment, health or safety of the area or the community. Prohibited in residential districts. Bulk or wholesale storage of gasoline above the ground. Planned unit developments. Planned unit developments are permitted by special permit of the Town Board, subject to § 48-22, in the following districts: R-1, R-2, R-3, R-4, R-4A, R-5. |
| PI Planned Industrial | <ol style="list-style-type: none"> Same as OLI. Planned industrial development groups, subject to § 48-21J. Office buildings for editorial, business and professional offices, and research, design and development laboratories, including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees. Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing or incidental storage of products or materials involving the use of only oil, gas or electricity for fuel, and which operation, in the opinion of the Planning Board, will not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; electromagnetic or other disturbance; or glare, harmful discharge, storage or dispersal of liquid or solid wastes in a manner or amount as to adversely affect the surrounding area. Truck transfer terminals. Lumber and building material and equipment sales and storage, provided that any lot containing outdoor storage shall be surrounded by a fence or wall with a height of not less than 6 feet nor more than 10 feet. | <ol style="list-style-type: none"> Same as FP, No. 4. Same as NC, No. 7. One dwelling unit only on any lot for the exclusive use of an attendant, watchman or caretaker employed in connection with any permitted use on said lot. Bulk storage, including warehouses and oil and gas storage, above the ground. Manufacture of bricks or concrete blocks. Municipal refuse compacting and recycling centers: refer to Col. G, No. 8. Public utility, generating plant. | 1. Same as OLI. | <ol style="list-style-type: none"> For all uses in Cols. A and B: 1 sign facing each major street from which access to the lot is provided, giving the names of the occupant or occupants of the premises. Any such sign shall not have an area that exceeds 40 square feet, and all such signs shall not have an aggregate area that exceeds 60 square feet. The top of any sign shall not be more than 12 feet above ground level unless placed on the face of the building, in which case it shall not project above the roof of the building. Such sign may be illuminated, but shall not be of the flashing type nor lighted by exposed light sources. Necessary direction signs not exceeding 5 square feet shall be permitted. | 1. Same as OLI. | <ol style="list-style-type: none"> For uses in Col. A, No. 1: same as OLI. For all other uses in Cols. A and B: 1 berth for 15,000 to 30,000 square feet, 2 berths for 30,000 to 50,000 square feet and 3 berths for 50,000 to 75,000 square feet. For each additional 25,000 square feet or major fraction thereof, 1 additional berth. | |
| AP Airport Uses | <ol style="list-style-type: none"> Same as FP. Same as PI. | <ol style="list-style-type: none"> Same as FP, Nos. 6, 8, 9, 10, 11. Same as PI. | 1. Same as PI. | 1. Same as PI. | 1. Same as PI. | 1. Same as PI. | |

¹ Editor's Note: This table is a part of § 48-9 of Ch. 48, Zoning, of the Code of the Town of Windsor.² Editor's Note: Column G is continuous throughout the entire Table of Use Regulations. Consult Column G on the other pages of this table for additional use regulations applying in all districts.

* Editor's Note: For items marked with an asterisk, see Column G, No. 3.



- LEGEND**
- Property Line
 - Center Line
 - Existing Contour
 - Proposed Contour
 - Existing Grade
 - Top of Wall Grade
 - Dike
 - Test Boring
 - Existing Fence
 - Utility Pole
 - Sanitary Sewer
 - Sanitary Manhole
 - Water Line
 - Drain Line
 - Existing Drainage Ditch

| | |
|---------------------------|--------------|
| DIKE AREA #1 | |
| Existing impounded volume | 54,000 c.f. |
| Required impounded volume | 129,000 c.f. |
| Proposed impounded volume | 146,250 c.f. |
| DIKE AREA #2 | |
| Existing impounded volume | 240,000 c.f. |
| Required impounded volume | 285,000 c.f. |
| Proposed impounded volume | 290,000 c.f. |

RUDY A. DINITTO
& MARIA DINITTO
9-1-87

CHARLES E. WARD, INC.
ENGINEERS AND SURVEYORS
171 GREAT NECK ROAD
GREAT NECK, NEW YORK 11021

EXXON COMPANY, U.S.A.
A DIVISION OF EXXON CORPORATION
NORTHEASTERN REGION
HUTCHINSON RIVER PARKWAY
PELHAM, N. Y. 10803

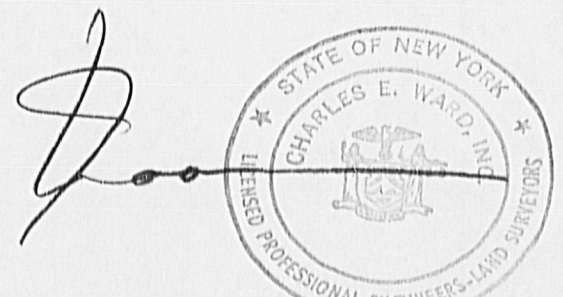
SITE PLAN

DRAWN BY
R.L.S.
CHECKED BY
J.N.
SCALE
1" = 50'

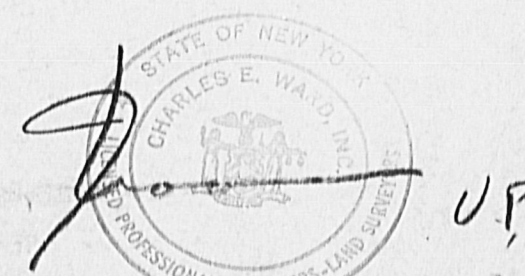
NEWBURGH TERMINAL
NEW WINDSOR, NEW YORK

REV. 5-10-79
DATE
3-22-79
FILE NO.
3053-1-9
DWG NO.
2

UNAUTHORIZED ATTRACTION OR ADDITION
TO THIS PLAN IS A VIOLATION OF
SECTION 7205 OF THE NEW YORK STATE
EVIDENCE LAW.
COPY OF THIS PLAN NOT BEARING
THE PROFESSIONAL ENGINEER'S SEAL
OR THE PROFESSIONAL SEAL SHALL NOT
BE CONSIDERED TO BE A VALID COPY.



THIS BLUEPRINT IS THE PROPERTY OF
EXXON COMPANY, U.S.A.
IT IS LOANED TO YOU AND MUST BE RETURNED
AFTER IT HAS SERVED THE PURPOSE FOR
WHICH IT WAS INTENDED



UNAUTHORIZED ALTERATION OR ADDITION
TO THIS PLAN IS A VIOLATION OF
SECTION 7209 OF THE NEW YORK STATE
EDUCATION LAW.

COPIES OF THIS PLAN NOT BEARING
THE PROFESSIONAL ENGINEER'S INKED
SEAL OR EMBOSSED SEAL SHALL NOT
BE CONSIDERED TO BE A VALID TRUE COPY.

| REVISIONS | REVISIONS | | | DATE | BY |
|-----------|--|--------------|----------|------|----|
| | NO. | DESCRIPTION | DATE | | |
| 1 | ADDED PER. TRENCHES, EXIST. GR. & CANOPY | DATE 3-22-77 | BY R.L.S | 8 | |
| 2 | ADDED PROPOSED GRADES, DRAINS & FENCES | DATE 4-5-77 | BY R.L.S | 7 | |
| 3 | | | | 6 | |
| 4 | | | | 5 | |

EXXON COMPANY, U.S.A.

NORTHEASTERN REGION

HUTCHINSON RIVER PARKWAY PELHAM, N. Y. 10803

PLOT PLAN

| |
|------------------------|
| DRAWN BY A. SHOURRY |
| CHECKED BY |
| SCALE 1" = 20'-0" |

NEWBURGH TERMINAL
NEW WINDSOR NEW YORK

REV. 5-10-79

| | |
|----------|----------|
| DATE | 2-15-79 |
| FILE NO. | 3053-1-9 |
| DWG. NO. | |